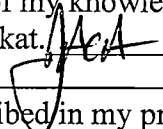




## CRIMINAL COMPLAINT

United States District Court	DISTRICT of ARIZONA
United States of America v. <b>Justin William John</b> DOB: 2001; United States <b>Xavier Lorenzo Stewart</b> DOB: 1997; United States	DOCKET NO.  MAGISTRATE'S CASE NO. <b>19-06486 MJ</b>
Complaint for violation of Title 8 United States Code § 1324(a)(1)(A) (ii), 1324(a)(1)(A)(v)(I) and 1324(a)(1)(B)(i)	
<b>COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:</b> On or about September 24, 2019, at or near Sonoita, in the District of Arizona, <b>Justin William John</b> and <b>Xavier Lorenzo Stewart</b> , named herein as defendants and conspirators, did knowingly and intentionally combine, conspire, confederate, and agree with each other and other persons, known and unknown, to transport certain illegal aliens, namely Jhon Bayro Cabrera-Guerrero, Juan Pablo Palencia-Tello, Ana Cristina Chumil-Ratzan and Obed Dagoberto Varela-Gomez, and did so for the purpose of private financial gain; in violation of <b>Title 8, United States Code, Sections 1324(a)(1)(A); 1324(a)(1)(A)(v)(I) and 1324(a)(1)(B)(i).</b>	
<b>BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:</b> On or about September 24, 2019, at or near Sonoita, in the District of Arizona, United States Border Patrol Agents (BPA) observed a black sedan traveling eastbound on State Route 82 (SR 82). The vehicle had a light tint with foggy windows and was riding very low, and the rear bumper almost touching the asphalt. BPA could only observe the driver and a single passenger. BPA began following the vehicle, a black Nissan Maxima, bearing Arizona license plate CPJ9892. Records check returned to a Kasara Valeri Winningham-Stewart out of Sierra Vista, Arizona. BPA continued to follow the vehicle and noticed that the driver had difficulty keeping the vehicle in its respective lane. BPA noticed there was now another head visible on board the vehicle, and a few seconds later noted a different head peeking out from the rear passenger driver seat. BPA observed the front passenger turned back as if he was talking to someone in the rear seat and the heads disappeared, a couple of seconds after that another head appeared, from the middle of the rear passenger seat, looked back and that head disappeared. BPA conducted a vehicle stop to conduct an immigration inspection. BPA approached the vehicle and identified the driver as <b>Xavier Lorenzo Stewart</b> and a front seat passenger as <b>Justin William John</b> . BPA noticed four passengers on the rear seats. BPA determined that the rear passengers were in the United States illegally and were identified as Jhon Bayro Cabrera-Guerrero, Juan Pablo Palencia-Tello, Ana Cristina Chumil-Ratzan and Obed Dagoberto Varela-Gomez.  In a post-Miranda statement <b>Stewart</b> stated he woke up to some texts from an individual asking if he wanted to make money. <b>Stewart</b> stated he is currently hurting form money. <b>Stewart</b> stated he was going to get paid \$1,000 for each person that he picked up and took to Phoenix, Arizona. <b>Stewart</b> stated <b>John</b> was the one who initially approached him with this offer. <b>Stewart</b> stated him and his friend <b>John</b> received texts on where to go and they were going to split the money they made. <b>Stewart</b> stated the Maxima is his sister's vehicle and she had no idea her vehicle would be used to smuggle aliens. <b>Stewart</b> stated he knew he was there to pick up four people, he knew what he was doing was wrong but he was desperate for money.  In a post-Miranda statement <b>John</b> stated they were going to a dispensary. <b>John</b> stated they had just picked up the four individuals prior to being pulled over. <b>John</b> stated that he did not talk to the individuals when they got into the vehicle and that he did not know where they were going to take the individuals.  <b>Continued on back.</b>	
MATERIAL WITNESSES IN RELATION TO THE CHARGE: Jhon Bayro Cabrera-Guerrero, Juan Pablo Palencia-Tello, Ana Cristina Chumil-Ratzan and Obed Dagoberto Varela-Gomez	
Detention Requested Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge. AUTHORIZED BY: AUSA JAA/kat. 	SIGNATURE OF COMPLAINANT 
	OFFICIAL TITLE Border Patrol Agent
Sworn to before me and subscribed in my presence.	
SIGNATURE OF MAGISTRATE JUDGE <sup>1)</sup> 	DATE September 25, 2019

<sup>1)</sup> See Federal rules of Criminal Procedure Rules 3 and 54

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Material witnesses Cabrera-Guerrero, Palencia-Tello, Chumil-Ratzan and Varela-Gomez stated that they made arrangements to be smuggled into the United States for money. Cabrera-Guerrero, Palencia-Tello and Chumil-Ratzan identified the vehicle, **Stewart** as the driver, and **John** as the passenger from a photo array. Varela-Gomez and Palencia-Tello observed Stewart following directions on a map via cellphone.